



Memorandum

City Attorney

CONFIDENTIAL
(Attorney/Client Privilege)

DATE: February 20, 2019
TO: Mayor and City Council
FROM: Judi Baumann, City Attorney (Ext. 2779)
SUBJECT: Code of Conduct – Outside Counsel Memorandum

Per Council direction, please find enclosed a memorandum from outside counsel, Sarah Barnes.

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Memorandum / Report

CONFIDENTIAL

(Attorney/Client – Work Product Privilege)

DATE: February 15, 2019

TO: Judi Baumann, City Attorney

FROM: Sarah L. Barnes, Outside Counsel (Broening Oberg Woods & Wilson)

SUBJECT: Reply to Mr. Granville's Responses/Objections to Initial Memorandum

The following are replies to each of Mr. Granville's response or objection points, with respect to my December 2018, Memorandum of Findings and Recommendations, which Mr. Granville sets forth in his December 27, 2018 letter to Ms. Baumann.

Item A1 (Allegations of Former Female TPA Student)

- Mr. Granville does not dispute that statements in the police report indicate one of the women saying she heard he was not allowed to be alone with students at Tempe Prep Academy because he touched a student inappropriately; indeed, at page 10 of the police report that woman actually says that it was Granville that told her. The rest of Mr. Granville's response at A1 is pure speculation.

Item A3 (Allegations of Former Female TPA Student)

- Page 14 of the police report does include reference to Mr. Granville trying to have sex with one of the women's friends named Grace, and in Mr. Granville's interview (pages 28-29 of the transcript), when asked if he tried to date Grace, he said he did not know for sure whether he did, but that he did not pursue it after the woman in question told him not to.
- With respect to drinking alcohol in San Francisco, there are numerous places in the police report describing the women saying they drank alcohol with Granville repeatedly, so it is a safe assumption that the drinking referenced in San Francisco was also referencing alcohol; that same woman said she drank with him at his home and on various occasions when they hung out (pages 14-15 of the police report).

Item C (Mr. Granville's Interview)

- The women do discuss Granville visiting them at different schools, and he admits he

visited them while they were at college (pages 28-29 of the transcript, although he does deny drinking with them).

- Mr. Granville repeatedly responded with statements such as “I’m sure that did not happen,” “I don’t recall that happening,” “that does not make sense,” “I don’t know why I would do that,” etc., instead of unambiguous denials; the only blanket denials he made were to not providing alcohol.
- Mr. Granville originally told the journalist that if one of the women had worked on his campaign, she must have been so far removed that he did not know it (page 16 of the police report). However, in his interview, Granville admitted that he was emailing that woman directly about the campaign (page 27 of the transcript).
- Again, when asked about one of the women’s friends named Grace, Mr. Granville initially said no, but then immediately “remembered” who she was when the only additional context of she was at U of A was added to the question.
- Again, Mr. Granville also tried avoiding answering the question of whether or not he tried hitting on or dating Grace, but then ultimately conceded that he may have done so (page 29 of the transcript).
- Very specific questions were asked of Mr. Granville in the interview about various activities and locations involving his time spent with the one woman (who was initially 17 when they first interacted), and he repeatedly said he had no memory (pages 29-31 of the transcript).
- The transcript clearly demonstrates that Mr. Granville repeatedly vacillates between remembering very specific details of a few stories and not remembering one way or the other on many other aspects of the women’s stories; and again, not denying but just saying he did not recall.
- With respect to the women who was 17 years old, Mr. Granville apparently told one of the other women that the 17 year old’s interest in him was one-sided (pages 15-16 of police report), but then in the interview he acknowledges he was going out on dates with her and was interested in her until he says he found out she was 17 (pages 29-32 of transcript).
- When asking Mr. Granville about comments he made about the different women suffering from emotional issues he agrees with that and says that it made for a “delicate situation” (pages 50-51 of the transcript). Further, Mr. Granville refers to one of the woman as volatile mentally, crying all the time and that not being uncommon (pages

22-23 of the transcript). Granville also conveys a story about one of the women being afraid to be around other gay people despite identifying as gay and that he was trying to help her feel more comfortable in that respect (pages 51-52 of transcript). Mr. Granville also discusses how two of the women were on a “cocktail of medication” (pages 24-25 of transcript). Finally, one of the women was only 17 during his initial interactions with her. All of these things confirm Granville was aware of these women’s vulnerability.

- Mr. Granville challenges or seems to challenge that he broke it off with the one woman he admits to dating because she was too needy. However, throughout the interview discussing that woman he makes repeated references to that being the case and in his response he does not really deny that either.
- Mr. Granville admits throughout the interview that he has tended to date younger woman and/or prefers younger women. In fact, Granville repeatedly compares his choice of dating younger women as being like a communist in the 50’s or being gay in the 80’s - saying that it is not accepted. All the women discussed, with the exception of his current girlfriend, were admittedly markedly younger than Mr. Granville, several, as many as 20 years younger.
- With respect to the woman that Mr. Granville was dating right before these former TPA students, Mr. Granville volunteered to discuss her, and, again, he acknowledges that that woman was also an undergraduate student at ASU, and thus between the ages of 18- 22 or so. This discussion is referenced in the initial memorandum because it was consistent with his pattern.
- In the interview Mr. Granville clearly indicates that he believed one of the women reported her concerns about their relationship, and his relationship with other former students, to TPA because he claims she saw his Facebook profile change to being in a new relationship (pages 53-54 of the transcript).
- Mr. Granville states that he is “intimately familiar” with the Code of Conduct although he does go on to say that he became so after his first censure. However, Mr. Granville also would have received the Code of Conduct and personnel rules when he became a councilmember, and he did not suggest that he was not aware of them before these incidents.
- Mr. Granville admits that he made bad choices with respect to at least one of the women, and he admits the interactions with these young women, who were former students at the high school where he taught, would be reason to be concerned; he said it was reasonable for others to be concerned about it (pages 48-50 of the transcript).

- With respect to allegations of grooming, the police report recap of what the women say happened, their vulnerability and Granville's position, as well as the lead detective's comments to me in my interview of her, are all suggestive of grooming.
- Again, Mr. Granville admitted he made a bad life choice and that he should not have dated the one young woman (page 50 of the transcript).
- The transcript of the interview speaks for itself, but throughout the interview there are numerous times where Mr. Granville speaks very highly of himself, as well as his genuine concern for the women (all of which are contrary to others' views on the events).

Item D (TPA File/Emails)

- In the interview, Mr. Granville was asked to detail his understanding of how and why he was fired and to tell his story in that regard (he answers at length at pages 6-9 of the transcript). Further, I also communicated with TPA's attorney and exchanged emails with him regarding my investigation, and received emails and other portions of Mr. Granville's personnel file from TPA. The police report also discusses the firing.
- With respect to the social mediate communication with an eighth grader at TPA, in 2018, Mr. Granville could not say one way or the other whether he reached out to that student or whether he had someone else do it, as he did claim he has numerous people that help him with that (page 22 of the transcript). The police report also discusses the detective's interviews with respect to that communications with the eighth grader in 2018, after these women's allegations came to light.

My Recommendations

- Mr. Granville again complains of the characterization of his choice of words for his responses to questions in his interview. However, the transcript clearly demonstrates that Granville repeatedly uses phrases such as "I don't recall that happening," or "I'm sure that did not happen," instead of categorically denying the incidents with the women.

CONCLUSION

None of Mr. Granville's responses or objections cause me to change the findings and recommendations in my December Memorandum with respect to the evidence supporting a finding of violations of the City Council Code of Conduct by Mr. Granville.